

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

ARELIS MILAGROS RIVERA BARBOSA
SSN xxx-xx-1745
Debtor

Case No. 19-03597-ESL13

Chapter 13

OBJECTION TO THE CLAIMED EXEMPTION

TO THE HONORABLE COURT:

COMES NOW creditor **COOP A/C JESUS OBRERO** through its legal representation who respectfully prays:

1. That the above captioned debtor filed her bankruptcy petition on June 24th, 2019.
2. Coop A/C Jesus Obrero is the holder of a statutory lien against the Shares in the amount of **\$490.43**, pursuant to 7 L.P.R.A. Section 1366b(c), Act 255-2002, as amended (Cooperative Savings and Credit Associations Act of 2002).
3. Debtor has claimed exemption over part of the shares deposited into Coop A/C Jesus Obrero accounts as per the Schedule C of the original petition. (Docket Entry #1)
4. Section §522(d)(5) allows an exemption for the debtor's "interest in any property, not to exceed in value \$1,325 plus up \$12,275 of any unused amount of the exemption provided under" 522(d)(1).
5. Debtor listed the value of the shares/deposits/savings in the amount of \$362.00 (correct amount is \$490.43) and claimed exemption of \$362.00 pursuant to 11 U.S.C. §522(d)(5), and with the Schedule C, debtor has expressed a clear intent to assert an exemption over that money.

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6. Creditor objects to aforementioned claimed exemption over described property on Schedule B. As ground for the objection, creditor states that debtor has no statutory basis for claimed exemption over the amount of \$362.00. Coop A/C Jesus Obrero is the holder of a statutory lien against the Shares in the amount of **\$490.43**, and this amount must be applied to the amount owed by debtor.

WHEREFORE Creditor herein respectfully requests from this Honorable Court grant creditor's motion, enter order denying the debtor's claimed exemptions over the shares deposited into Coop A/C Jesus Obrero accounts, with any other remedy this Honorable Court deems just and appropriate.

NOTICE
To all creditors and parties in interest

Within fourteen (14) days after service as evidenced by the certification – and an additional three (3) days pursuant to Fed. R. Bankr. P. 9006(f) if you were served by mail – any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, must serve and file an objection or other appropriate response to this paper with the Clerk's Office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no opposition or other response is timely filed within the time allowed herein, the paper will be deemed unopposed, unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; (3) in the opinion of the Court, the interest of justice otherwise requires.

I HEREBY CERTIFY that on this same date, I electronically filed the present motion with the Clerk of the Court using CM/ECF System which will send notification to: Ms. Monsita Lecaroz Arribas, Esq., ustpreion21.hr.ecf@usdoj.gov; to Mr. Alejandro Oliveras Rivera, Esq., Chapter 13 Trustee, aorecf@ch13sju.com; to Mr. Victor Thomas Santiago,

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Esq., vthomas@thomasmag.com; and to all other registered CM/ECF participants in the instant case; and **I FURTHER CERTIFY** that I have mailed by U.S. Postal Service copy of the present motion to Ms. Arelis Milagros Rivera Barbosa, Cond. Los Pinos Apt 208, Box 118, Caguas, Puerto Rico 00725.

RESPECTFULLY SUBMITTED in Humacao, Puerto Rico on the 29th day of June 2019.

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